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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,038	09/27/2000	Nicholas Paluzzi	07072-122001	5490

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DALY, CROWLEY & MOFFORD, LLP
SUITE 101
275 TURNPIKE STREET
CANTON, MA 02021-2310

EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 10/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,038

Applicant(s)

PALUZZI, NICHOLAS

Examiner

Khanh Dang

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains new matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase "in the absence of any requests for the bus" does not have support from the originally filed specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lentz et al.

At the outset, it is noted that claims 1 and 2 will be grouped together to avoid repetition in explanation.

As broadly drafted, these claims do not define any step that differs from Lentz et al. With regard to claim 1, Lentz et al. discloses a bus arbitration method for granting access to a common bus having coupled thereto a plurality of candidates desiring access to such bus, one of such candidates being granted access to such bus in accordance with the a method comprising: granting default access to the bus to a predetermined one of the candidates (in Lentz et al., the predetermined candidate is the one that is assigned a highest priority when no requests from other candidates are made); otherwise, granting access to the bus to one of the candidates in accordance with predetermined priority criteria (in Lentz et al., the priority criteria is based on the intrinsic priority of the candidates), such grant being modified when a plurality of such candidates request the bus, such grant to the bus then being such that the one of the candidates requesting the bus having the highest priority in the predetermined priority criteria not be granted the bus if such candidate was the recipient of the previous bus grant (in Lentz et al., such candidate is the one that has highest assigned priority based on the intrinsic priority criteria, and has access to the bus grant at default. Note also that the arbiter comprises a programmable logic array (PLA) and a storage element. It accepts requests from different candidates, decides which of the candidates should be granted the bus based on a software selectable dynamic or fixed priority criteria and issues the grant to the appropriate candidate. The storage element is provided to store which candidate was the last recipient of the bus so that either the dynamic or flexible priority as well as the fixed or "round robin" priority (most recent recipient will receive lowest priority) can be implemented.), and with each one of the requesting plurality of

candidates having a predetermined independent "wait count limit" indicating that such requesting one of the plurality of candidates has waited for n assertions of a grant to the bus to other requesting candidates without being granted the address bus, where n is a predetermined integer, and wherein if one of such candidate's "wait count limit" is reached, such candidate receives the bus grant, except that if plural requesting candidates simultaneously reach their respective "wait count limit", then the bus grant will be granted in accordance with the predetermined priority criteria (Lentz et al., in another words, clearly states that the intrinsic priority of the various candidates or devices can be modified by a plurality of factors. The number of times a device is granted is also monitored so that if the device is a bus "hog", it can be denied priority to allow a lower priority candidate to gain. The number of times a lower priority candidate is denied service is monitored and when such number reaches a predetermined number, the lower priority device is given a higher priority. Each time a candidate is denied service, a counter is decremented. Once the counter reaches a predetermined count limit (zero, in the instant case) the priority of the device is increased with a priority level called "DENY PRIORITY." These counters can be loaded with any programmable value up to a maximum value of 15. Once the counter reaches zero, a "DENY PRIORITY" bit is set to allow the candidate to receive the bus grant is cleared after . As a matter of course, when all candidates have same deny priority status, the one with higher intrinsic priority will receive the bus grant.

Response to Arguments

Applicant's arguments filed 8/21/2003 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Yamamoto*, 740 F.2d 1569, 1571, 222 USPQ 934, 936 (Fed. Cir. 1984). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification can not be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claimed language will not be warranted.

With regard to claim 1, Applicants argued that Lentz et al. does not disclose that "in the absence of any bus request, one of the candidates is granted access to the bus." It is first noted that the phrase "in the absence of any bus request" (as explained above) does not have proper support from the originally filed specification. In any event, it is clear from Lentz et al. that each candidate is assigned a predetermined intrinsic priority, and arbitration is based on a fixed or dynamic priority scheme (see at least the abstract and col. 14, line 10 to col. 16, line 13). Thus, it is clear that in the absence of "any bus request" from other candidates, the bus is granted to a predetermined candidate based

on a fixed priority scheme; and in the absence of fixed arbitration, bus access is granted using dynamic arbitration.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.



Khanh Dang
Primary Examiner